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OLC - 85-1125

Office of Legislative Liaison
Routing Slip

TO:	ACTION	INFO
1. D/OLL		X
3. DD/OLL		X
3. Admin Officer		
4. Liaison		X
5. Legislation		X
6. [Redacted]		X
7. [Redacted]		X
8. [Redacted]		X
9.		
10.		

SUSPENSE

Date

Action Officer:

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Remarks:

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18 April 1985

MEMORANDUM FOR: Officially Released Information Task Force Members

FROM:

Task Force Chairman

SUBJECT: Proposal to Establish a Focal Point to Record
CIA Information Released to the Public

1. After some deliberation, OIS has decided to pursue establishing the officially released information focal point discussed at the 8 March Task Force meeting (minutes attached). In view of the reservations expressed by several Task Force members, however, OIS proposes that the focal point be established within the following parameters:

a. Costs will be kept low. OIS will initially allocate one or two positions to the effort and will hold equipment costs to \$5,000 or less. Accordingly, responses to requests for information from the focal point will be slow and backlogs are to be expected.

b. The value of the focal point will be evaluated after one year and a determination will be made whether to tolerate any problem areas that might develop.

c. If an on-line system becomes available, costs will be kept minimal by initially limiting access to the system to the prime users identified by the Task Force; i.e., OIS, the DI, and OGC.

2. In addition, it is proposed that the Information Review Officers in the directorates and the FOIA officers in the independent offices be responsible for ensuring that copies of all pertinent (see "System Content Proposal", also attached) released information are made available to the focal point. Such responsibility also will need to be assigned to positions in the History Staff and OIS's Information and Privacy and Classification Review Divisions.

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3. Lastly, if the Task Force members are in basic agreement with the above, OIS proposes that the focal point be established effective 1 October 1985. Information warranting inclusion that was released prior to that date will be gradually absorbed by the focal point beginning 1 January 1986.

4. The OIS proposals and any other points you believe need to be covered will be discussed at the Task Force meeting tentatively set for 24 May at 1600 hours in the DDA conference room. Please let [redacted] know if the timing is convenient and if there are any items you wish added to the agenda.

5. Contingent on a satisfactory outcome of our meeting, OIS will propose to the DDA that an Officially Released Information System (ORIS) Project be established.

Chairman,

Officially Released Information Task Force

Attachments:
As Stated

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29 March 1985

MEMORANDUM FOR THE RECORD

SUBJECT: Minutes of 8 March 1985 Meeting of the
Officially Released Information Task Force

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1. The Officially Released Information Task Force held its first meeting on Friday, 8 March 1985. [redacted] (DD/OIS) presided; participants included Task Force members [redacted] (DO/IRO), [redacted] (DS&T/IRO), [redacted] (DI/IRO), Ken McDonald (C/History Staff), [redacted] (OGC), [redacted] (DA/IRO), [redacted] (DD/OLL), and [redacted] (DD/PAO). Also in attendance were [redacted] (OIS), [redacted] (OIS), and [redacted] (OIT). The purpose of the meeting was to determine if a focal point responsible for recording Agency information officially placed in the public domain should be established.

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2. [redacted] began the meeting by recounting the problems the Agency has in determining what information has been officially released. He pointed out that the only large system that indexes and records the texts of releases is in OIS but that only releases from initial and appeal FOIA and mandatory review cases are recorded. He stated OIS would be willing to take on an expanded role in this area if a consensus were reached that the effort would be worthwhile.

3. A discussion among all participants followed during which the following points and views were expressed:

a. Any expansion of what we are recording would also be subject to searches under the FOIA. Since the expansion would undoubtedly contain information released in error, information that should not be released again because of a change in circumstances, and information that is classified in the aggregate (the mosaic effect), perhaps recording it would do more harm than good. Perhaps it would be better if we continued as we have with the realization we have a problem.

b. We need to know the trade off. If a central, text-recording system would do more good than harm, it should be tolerated.

c. A system containing only an index to released information--not the text--would not work well because of the difficulty in getting back to the actual release.

d. If we do not know what we have done in the past, there is no way we can be sure of the effect of what we are doing now.

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e. Trying to go back and record everything previously released would prove futile. The DI and DS&T have no records and there would be a large problem in the DO with determining if the sanitized copies in DO case files are the versions actually released. Litigation releases may be available in OGC since OGC is the office of record and litigation files are permanent.

f. The procedure of placing a notice that a document has been subject to disclosure with the official file copy of the document has not worked well because (1) it is very time consuming to pull a file copy back after the determination has been made to release or deny and (2) the document may be part of more than one file in one or more components.

g. Determining whether a particular document is recorded in a focal point system would often be dependent on good indexing and the recording of the document date since the document number itself may not have been available for recording. The DO has not and would probably continue not to want classified or otherwise deniable DO document numbers in any system outside the DO, even if the numbers were compartmented within the system. The DS&T would probably permit classified DS&T numbers in the system if they were restricted to DS&T access. This is not a problem to the rest of the Agency since most other numbers are routinely released.

h. Ad hoc releases such as DI analyst speeches and declassified CIA documents in presidential libraries should be included in any expansion.

i. Some commercial services and individual researchers are more knowledgeable of what the CIA has released on particular subjects than the CIA is. Manuscripts provided to the Agency for review are generally well researched. There is no reason to believe that foreign governments do not have access to the same information.

j. In addition to FOIA, PA, and E.O. cases, an expanded system would be a useful aid in manuscript review and to determine if a leak is really a leak.


k. Releases that have not been subject to FOIA, PA, E.O. review procedures, should be scrutinized by the originating component before being released again.

l. A central system is a desirable goal, with good utility, but can we make it work?

m. If an on-line textual system were available, the DA and OGC would be the prime users followed by the DI. The DS&T and OLL would be low users because not much is released from there. The DO would probably also be a low user because of the expected large reduction in the number of documents requiring review under new legislation. The PAO and History Staff would have little need for the system since they know what they have released.

3. Based on the discussion, it was evident that there was a consensus that a focal point for recording officially released information would be desirable. However, because there is no way to predict the ramifications of a such a large amount of publicly accessible data, it should only be established if the costs can be kept low.

4. closed the meeting by thanking the Task Force members for their participation. He stated that he would be back in touch with them if the matter of a focal point were to be pursued further.


✓ OIS Planning Officer

SYSTEM CONTENT PROPOSAL

1. Except for releases authorized by the CIA National Security Classification Guide and those identified in paragraph 2 below, ORIS will record all officially released CIA information that:
 - a. was previously classified, or
 - b. is part of the content of a classified, previously classified, or classifiable CIA record, or
 - c. pertains to the CIA mission, functions, or organizational structure, or
 - d. pertains to any aspect of intelligence sources or methods, or
 - e. is part of the content of a record of another Government entity, was previously classified or classifiable, and the CIA is identified or identifiable as the source.
 2. Experience has shown that the type of information contained in releases to U.S. persons who have requested information on themselves is normally of no or marginal interest to the Agency, and maintaining such information in a central system raises legal and ethical questions related to an individual's right to privacy. Therefore, even though such releases may meet the criteria for inclusion under 1a, b, or e above, they normally will not be
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recorded in the system. In the event a component authorizing such a release determines the information warrants inclusion (i.e., it meets the criteria under 1c or d), that component will provide ORIS with a sanitized version of the release that fully protects the privacy of the individual. In summary, Privacy Act or "my file" requests will not be part of the system unless (1) they pertain to the CIA mission, functions, or organizational structure or to an aspect of intelligence sources or methods and (2) they have been sanitized in such a way as to protect the privacy of the requester.

3. ORIS is intended to record all intelligence-related information that has been officially acknowledged by the Agency. Such official acknowledgments may be in the form of, but are not limited to:
 - a. releases under the FOIA and mandatory review provisions of E.O. 12356,
 - b. officially sanctioned speeches,
 - c. media releases,
 - d. affidavits and judicial and congressional testimony,
 - e. material declassified and released or otherwise accessible outside the Agency, and
 - f. material prepared for elements of the private sector.